IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5679 OF 2004

Videocon International Ltd.
and Ors. ..Applicants

Vs.

State of Maharashtra & Ors....Respondents

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Shri.Adik Shirodkar with Ms.Neeta Rajda i/b
DSR Associates for Applicants
Mr.V.N.Shingapurkar for Respondent No.2.
Mr.U.V.Nikam A.P.P. for State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : APRIL 20, 2006
IN CHAMBER AT 2.45 P.M.

P.C.

1. Heard the learned counsel for the applicants, learned counsel for Respondent No.2 i.e. original complainant and learned A.P.P. for State.

2. The applicants are seeking quashing of process issued against them by the learned Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in C.C.No.142/S/2003 (Old Case No.36/S/2001). In the said case process was issued against the applicants under Sections 24(2) and 27 of Securities &

Exchange Board of India Act, 1992.

3. The learned counsel for the Respondent No.2 i.e. original complainant has submitted that this application ought not to be entertained by this Court as the proper remedy for the applicants is that they should prefer revision before the concerned Sessions Court against the order of issuing process. In support of this contention, he has placed reliance on a decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778.** Mr.Shingapurkar submitted that in cases where process has been issued by the Magistrate against an accused, application under Section 482 should not be entertained by the High Court and the accused should be relegated to the remedy of filing revision before the concerned Sessions Court. Thus, Mr.Shingapurkar submitted that the proper course would be that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Looking to the facts of this case and the legal position, liberty is granted to the applicants to

prefer the necessary revision before the concerned Sessions Court. The learned counsel for the applicants makes a statement that the necessary revision will be preferred within eight weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of eight weeks.

5. However, it is seen that if the applicants now prefer such revision, the said revision would be beyond period of limitation. As it was the learned counsel for Respondent No.2 who submitted that the applicants ought to approach the Sessions Court by preferring revision, in this view of the matter, the Respondents shall not raise any objection in relation to delay in filing the revision before the Sessions Court, if the revision is filed within eight weeks from today.

6. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court after condoning the delay if any, shall dispose of the matter on merits after hearing the necessary parties.

7. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]